

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In Re:  
James K Allen and  
Rosiland D Allen,  
Debtors.

Case No. 19-08666  
Honorable Timothy A. Barnes  
Chapter 13

**NOTICE OF MOTION**

To:  
James K Allen and Rosiland D  
Allen  
920 E 153rd St  
Phoenix, IL 60426  
Via USPS Overnight Delivery  
Debtors.

David M. Siegel  
David M. Siegel & Associates  
790 Chaddick Drive  
Wheeling, IL 60090  
Via Court Electronic  
Notification

Marilyn O. Marshall  
224 S. Michigan Ave. Ste. 800  
Chicago, IL 60604  
Via Court Electronic Notification

**PLEASE TAKE NOTICE** that on the 18th day of July, 2019 at 9:30a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Timothy A. Barnes in Courtroom 744 in the United States Courthouse, 219 South Dearborn Street, Chicago, Illinois, or before any other Bankruptcy Judge who may be presiding in said Judge's place and stead, and shall then and there move the Court for the entry of an order in accordance with the attached motion at which time you may appear if you so desire.

/s/ James M. Philbrick

**CERTIFICATE OF SERVICE**

I, James M. Philbrick, an attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Court Electronic Notification and by depositing the same in the U.S. Mail on the 13th day of July , 2019, before the hour of 5:00 p.m. from the U.S. Post Office, Mundelein, Illinois 60060.

/s/ James M. Philbrick

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Mundelein, Illinois 60060  
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**MOTION TO MODIFY STAY**

NOW COMES Ally Financial, by and through its attorney, JAMES M. PHILBRICK, of THE LAW OFFICES OF JAMES M. PHILBRICK, and as and for its Motion to Modify Stay, states as follows:

1. That Ally Financial is a creditor-claimant of the Debtors and brings this motion pursuant to 11 U.S.C. §362(d).
2. That on or about December 24, 2018, the Debtors executed an agreement for an interest in one 2019 KIA SPORTAGE, VIN KNDPM3AC5K7567635.
3. That Ally Financial has a properly perfected interest in the collateral in accordance with the Illinois Motor Vehicle Act, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle.
4. That on March 27, 2019, the Debtors filed a voluntary petition under Chapter 13 of Title 11 of the United States Code.
5. That the current payoff balance for the said vehicle is approximately \$29,040.25.
6. That the current retail value for the said vehicle is approximately \$24,853.00.
7. That the Debtors have no appreciable equity in the said vehicle.
8. That the Debtors are to be the disbursing agent for payments to Ally Financial. That the Debtors' installment payments are \$519.83 a month, and the debtor has defaulted in making installment payments for the months of February through June 2019 , for a total default of \$3,450.18, which amount includes attorney fees and costs of \$681.
9. That the Debtors have not provided Ally Financial with proof of full coverage insurance on the said vehicle.

10. That the vehicle is not necessary for an effective reorganization.

11. That Ally Financial's collateral is a depreciating asset.

12. That Ally Financial lacks adequate protection in its collateral, and therefore should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Ally Financial prays this Honorable Court for the entry of the attached order modifying the automatic stay of 11 U.S.C. §362 so as to allow Ally Financial to take possession of one 2019 KIA SPORTAGE, VIN KNDPM3AC5K7567635, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws; and to find that Federal Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is non-applicable and thus Ally Financial may immediately enforce and implement the attached Order Modifying the Automatic Stay; and for such other and further relief as the Court may deem just and proper.

Ally Financial

By: /s/ James M. Philbrick

One of its Attorneys

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